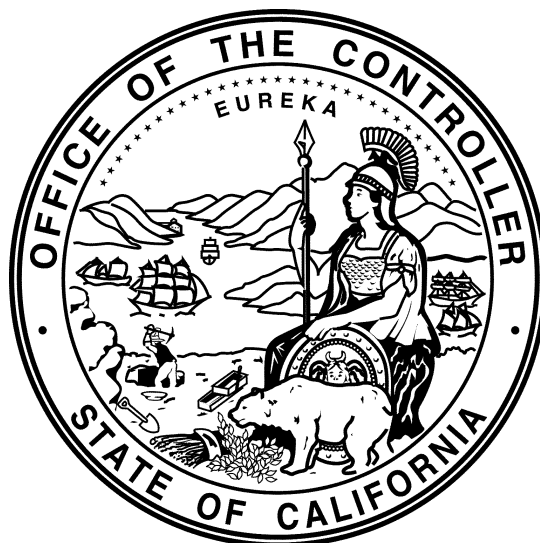


DNA ADDITIONAL PENALTY ASSESSMENT (ASSEMBLY BILL 1806) DISTRIBUTION GUIDELINES



California State Controller

DIVISION OF ACCOUNTING AND REPORTING

JULY 2006

DNA Additional Penalty Assessment (Assembly Bill 1806) Distribution Guidelines

Assembly Bill (AB) 1806 (Chapter 69, Statutes of 2006) a Budget trailer bill, was enacted on July 12, 2006, and as an urgency bill was effective on that day. Among other unrelated budget implementation issues, AB 1806 added Government Code (GC) section 76104.7 which provides for a \$1 penalty for every \$10 or fraction thereof upon every fine, penalty, and forfeiture levied on criminal offenses including traffic offenses, but excluding parking offenses. AB 1806 also changed the distribution on sex offender fines pursuant to Penal Code (PC) section 290.3.

The DNA Additional Penalty Assessment is in addition to the DNA Identification Penalty Assessment (created by GC section 76104.6, Proposition 69). This DNA Additional Penalty Assessment (created by GC section 76104.7) was effective July 12, 2006, for violations that occurred on or after July 12, 2006. The DNA Identification Penalty Assessment is levied and collected in the same manner as the State Penalty imposed per PC section 1464 and the DNA Identification Penalty Assessment per GC section 76104.6.

This Guideline only address distribution issues related to the DNA Additional Penalty Assessment and does not address the technical aspects such as the requirements of PC section 299.5(e) of the DNA program. The DNA Identification Penalty is imposed and distributed in a similar manner as the DNA Identification Penalty Assessment (GC section 76104.6)

The State Controller's Office is responsible for establishing a uniform accounting system to ensure that trial court revenues (fines, penalties, fees etc.) are properly and uniformly accounted for and distributed to all levels of government. Information on this distribution and other new laws will be available in January 2007 in our annual update of the Distribution Tables (Appendix C) at www.sco.ca.gov/pubs/index.shtml#guides.

Distribution:

The DNA Additional Penalty Assessment is required to be deposited in an interest earning county fund called the DNA Identification Fund, which is the same fund that DNA Identification Penalty Assessment (GC section 76104.6) is distributed. The distribution from this fund is made on the last day of the calendar year quarter beginning on September 30, 2006.

The distribution is as follows:

- 100% of the amount collected, **including interest**, to the State DNA Identification Fund which is administered by the State Department of Justice. The funds are used to operate the DNA Fingerprint, Unsolved Crime and Innocence Protection Act and the requirements of PC section 299.5(e).

Distribution Issues:

The county DNA Identification Fund will need to have a separate account to segregate the new GC section 76104.7 collections and any interest earned thereon from the GC section 76104.6 penalty assessment collections.

The county DNA Identification Fund will need to segregate the new GC section 76104.7 collections and any interest earned thereon from funds remaining in the fund after each quarterly distribution to the State.

The State Remittance Form (TC-31) will be updated to include GC section 76104.7 penalty. In the meantime, please write DNA Additional Penalty Assessment - GC section 76104.7 on a blank line on the TC-31.

Two-Percent Automation Fee Distribution:

The 2% automation fee distribution will apply to the DNA Additional Penalty Assessment similar to other penalty assessments.

Traffic Violator School Fee Distribution:

For traffic school violations, the DNA Additional Penalty Assessment is part of the total bail. Therefore, it is part of the traffic violator school fee pursuant to Vehicle Code (VC) section 42007. There is no specific distribution to the DNA Identification Fund from the traffic violator school fee; thus, like PC section 1464, it is part of the VC section 42007 distribution to the county general fund.

Red Light Violations:

The 30% red light distribution (PC section 1463.11) or railroad crossing distribution (PC section 1463.12) does not reduce the DNA Additional Penalty Assessment. These distributions only reduce the base fine and the penalty assessments imposed pursuant to PC section 1464 and GC section 76000.

Juvenile Fines:

The DNA Additional Penalty Assessment is levied, like other penalty assessments, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses including juvenile fines.

Sex Offender Fines:

AB 1806 amends the distribution of PC section 290.3 as follows:

The previous 25% transferred to the Department of Justice DNA Testing Fund and the 25% allocated to the counties that maintain local DNA testing laboratory distribution is now replaced by a 50% transfer to the DNA Identification Fund.

AB 1806 does not change the PC section 290.3 distribution at the local and court level.

However, "The Sexual Predator Punishment and Control Act" also known as Jessica's Law on the November 7, 2006 ballot also amends PC section 290.3. If this initiative is enacted, the above new distribution would be superceded on November 8, 2006 as the statute would reflect the former distribution of this portion of the sex offender fine.

Jessica's Law, would also, increase the sex offender fine and provide a new distribution of \$100 for every fine imposed pursuant to PC section 290.3 in excess of \$100 to help defray the cost of the global positioning system used to monitor sex offender parolees.

Contacts:

Questions concerning the DNA Additional Penalty Assessment distribution should be directed to Jim Reisinger at (916) 322-9105 or Bob Stonehouse at (916) 327-2289 both of the State Controller's Office.

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